IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

Bail Appl..No. 7652 of 2007()

CRIME NO.86/07 OF MALAMPUZHA POLICE STATION, PALAKKAD.

PETITIONER/ACCUSED NOS, 2 & 4

---

1. MANI @ MANIKANDAN, AGED 44 YEARS
   S/O. APPUKUTTAN, KUPPACHIMARAPURA
   KADAKKAMKUNNAM, MALAMPUZHA, PALAKKAD DISTRICT.

2. SURENDRAN, AGED 38 YEARS,S/O. APPU
   KUMBAMARAPPURA,KADAKKAMKUNNAM,
   MALAMPUZHA, PALAKKAD DISTRICT.

BY ADV. SRI.N.RAGHURAJ
SRI.A.V.RAVI
SMT.K.AMMINIKUTTY

RESPONDENTS: COMPLAINANT

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

- -

B.A.No. 7652 of 2007

- -

Dated this the 13th day of December, 2007

O R D E R

Application for anticipatory bail. The petitioners are accused 2 and 4. Altogether there are seven accused persons. All of them are named in the F.I.R. Political animosity between the activists of C.P.M. and B.J.P. is the motive for the alleged incident. Investigation is in progress. Three of the co-accused, who were arrested, had come before this court for regular bail and by order dt. 4.10.2007 in B.A.No.6008 of 2007, regular bail was granted to them subject to conditions. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that the petitioners are innocent. They may now be granted anticipatory bail, it is prayed.

3. The learned Prosecutor opposes the application. He submits that satisfactory allegations and cogent data have been

collected to show the culpable involvement of the petitioners and that at any rate there are no circumstances justifying or warranting the invocation of the extra ordinary equitable discretion under section 438 Cr.P.C. in favour of the petitioners, submits the Prosecutor.

4. I have considered all the relevant inputs. I find merit in the opposition by the learned Prosecutor. There are no features in this case, which would justify the invocation of the extra ordinary equitable discretion under section 438 Cr.P.C. in favour of the petitioners. This I am satisfied is a fit case where the petitioners must resort to the ordinary and normal procedure of appearing before the Investigator or the learned Magistrate having jurisdiction and then seek regular bail in the ordinary course.

5. This application is accordingly dismissed. I may however hasten to observe that if the petitioners appear before the learned Magistrate and apply for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must

proceed to pass orders on merits, in accordance with law and expeditiously.

(R. BASANT)
Judge

tm